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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,865	02/01/2001	Darrel O. Brown	55217.000010	7995

7590 01/12/2005

Attn: Robert C. Curfiss
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EXAMINER

CHAMPAGNE, DONALD

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,865

Applicant(s)

BROWN, DARREL O.

Examiner

Donald L. Champagne

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed with an amendment on 7 October 2004 have been fully considered but they are not persuasive. The arguments are addressed by the following revised rejection and expressly at para. 6 below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1 and 3-21 are rejected under 35 U.S.C. 103(a) as being obvious over McGovern et al. (US005978768A) in view of Barcelu (US006048271A).
4. McGovern et al. teaches (independent claims 1 and 18) a recruiting website and method for attracting potential recruits and for collecting key data from the recruits at a remote location from a recruiting agency seeking the information without requiring the presence of recruiting personnel, comprising: (a.) the *employer web site* or *remote web site* displayed on *job seeker computer 40*, which reads on an advertising display (col. 4 lines 8-26, col. 13 lines 41-50, col. 15 lines 8-9 and col. 6 line 43); (b.) a *remote site computer 44*/electronic collection system for instructing the recruit and collecting key employment-related data from the recruit (col. 14 line 66 to col. 15 line 15); and (c.) a processing system, either a *remote site computer 44* or *job seeker computer 40*, capable of storing the collected data in electronic format (col. 16 lines 5-11 and col. 16 line 55 to col. 17 line 10), where the *remote site computer 44*, which reads on a recruiting agency, is at a remote location from the *job seeker computer 40*, which reads on a recruiting station.
5. McGovern et al. does not teach that the advertising display *job seeker computer 40* is housed in an unmanned, free-standing cabinet. Barcelu teaches an unmanned, free-standing cabinet/*kiosk 10* for housing the advertising display (col. 5 line 26). Because

Art Unit: 3622

Barcelu suggests this facility for recruiting (col. 4 lines 41-42), it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add the teachings of Barcelu to those of McGovern et al.

6. Applicant argues (pp. 9-10) that the prior art does not provide a basis for combining the references, and that Barcelu actually teaches away from the combination. Barcelu expressly teaches the use of the invention kiosk for "recruitment services" (col. 4 lines 41-42), which reads precisely on the instant application. Barcelu teaches many embodiments for the invention kiosk (col. 4 lines 21-63). Other embodiments do not constitute a teaching away. For example, at col. 3 lines 17-18, the reference teaches, "The inventive sports league device necessarily includes equipment for accepting and dispensing currency ...". The reference expressly teaches that this "necessity" applies to the sporting embodiment, not to the recruitment services embodiment.
7. McGovern et al. does not teach that *job seeker computer 40* comprises the collection system and processing system. The *job seeker computer 40*, an ordinary PC, is inherently capable of serving as the collection system and processing system. It would serve this function if it was severed from the Internet connection and information were manually delivered to and collected from it using portable electronic storage media (col. 7 line 6). The Internet connection would not be desired when the invention were used in a remote location where an Internet connection was not available or practical. Because it is obvious to eliminate an element, the Internet connection in this case, if its function is not desired, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to eliminate the Internet connection taught by McGovern et al. so that *job seeker computer 40* comprises the collection system and processing system. See MPEP § 2144.04.II.A, which is reproduced below.

II. ELIMINATION OF A STEP OR AN ELEMENT AND ITS FUNCTION

A. Omission of an Element and Its Function Is Obvious If the Function of the Element Is Not Desired

Ex parte Wu, 10 USPQ 2031 (Bd. Pat. App. & Inter. 1989) (Claims at issue were directed to a method for inhibiting corrosion on metal surfaces using a composition consisting of epoxy resin, petroleum sulfonate, and hydrocarbon diluent. The claims were rejected over a primary reference which disclosed an anticorrosion composition of epoxy resin, hydrocarbon diluent, and polybasic acid salts wherein said salts were taught to be beneficial when employed in a freshwater environment, in view of secondary references which clearly suggested the addition of petroleum sulfonate to corrosion inhibiting compositions. The Board affirmed the rejection, holding that it would have been obvious to omit the polybasic acid salts of the primary reference where the function attributed to such salt is not desired or required, such as in compositions for providing corrosion resistance in environments which do not encounter fresh water.). See also *In re Larson*, 340 F.2d 965, 144 USPQ 347 (CCPA 1965) (Omission of additional framework and axle which served to increase the cargo carrying capacity of prior art mobile fluid carrying unit would have been obvious if this feature was not desired.); and *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (deleting a prior art switch member and thereby eliminating its function was an obvious expedient).

8. McGovern et al. also teaches at the citations given above claims 4, 6, 7, 10-12, 15-17 and 19-21. McGovern et al. also teaches claims 8-9 (col. 18 lines 25-27).
9. McGovern et al. does not teach audio, multimedia and multilingual display and data acquisition. Because it would enhance sales, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add audio, multimedia and multilingual display and data acquisition to the teachings of McGovern et al.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
11. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of

the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Champagne whose telephone number is 571-272-6717. The examiner can normally be reached from 6:30 AM to 5 PM ET, Monday to Thursday. The examiner can also be contacted by e-mail at donald.champagne@uspto.gov, and *informal* fax communications (i.e., communications not to be made of record) may be sent directly to the examiner at 571-273-6717.
13. The examiner's supervisor, Eric Stamber, can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.
14. **AFTER FINAL PRACTICE** – Consistent with MPEP § 706.07(f) and 713.09, prosecution generally ends with the final rejection. Examiner will grant an interview after final only when applicant presents compelling evidence that “disposal or clarification for appeal may be accomplished with only nominal further consideration” (MPEP § 713.09). The burden is on applicant to demonstrate this requirement, preferably in no more than 25 words. Amendments are entered after final only when the amendments will clearly simplify issues, or put the case into condition for allowance, clearly and without additional search or more than nominal consideration.
15. Applicant may have after final arguments considered and amendments entered by filing an RCE.
16. **ABANDONMENT** – If examiner cannot by telephone verify applicant's intent to continue prosecution, the application is subject to abandonment six months after mailing of the last Office action. The agent, attorney or applicant point of contact is responsible for assuring

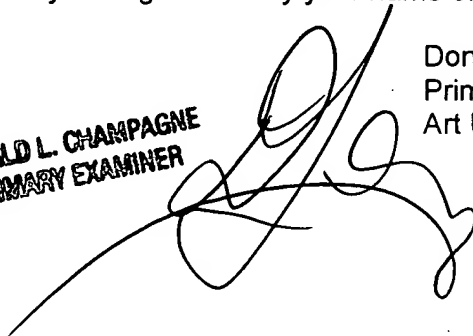
Art Unit: 3622

that the Office has their telephone number. Agents and attorneys may verify their registration information including telephone number at the Office's web site, www.uspto.gov. At the top of the home page, click on Site Index. Then click on Agent & Attorney Roster in the alphabetic list, and search for your registration by your name or number.

8 January 2005

DONALD L. CHAMPAGNE
PRIMARY EXAMINER

Donald L. Champagne
Primary Examiner
Art Unit 3622

A handwritten signature in black ink, appearing to read 'DL Champagne', is written over the printed name and title.